

8. (Thrice Amended) The boot as claimed in claim 1, wherein the interlocking surface means has a profiled part of standard length which engages a ski or skate binding irrespective of the boot size.

9. (Twice Amended) The boot as claimed in claim 1, wherein the first rigid part comprises at least part of the interlocking surface.

REMARKS

Reconsideration of the application as amended is respectfully requested. Initially, it would be appreciated if copies of further communications with regard to the above application be sent to the undersigned.

With regard to the outstanding official action, the claims have been considerably amended to address each of the objections of the Examiner under 35 U.S.C. 112.

Turning now to the merits, claims 1, 2, 8 and 9 have been rejected as anticipated by U.S. Patent No. 4,742,202 to Bourque. Initially, Bourque is directed to an insert or insole for a boot. The boot in which the insert is to be used is a cross country boot. Cross country boots interlock with cross country skis in the front of the boot not the rear or heel. Accordingly, Bourque does not provide for a ski boot as claimed having a sole having a rigid part (which is at the rear of the boot) with an interlocking surface means for interlocking with a binding.

Turning now to the rejection of claims 1-3 as being anticipated by U.S. Patent No. 5,884,420 and 5,899,006 to Donnadieu, it is the Examiner's position that these references contain all of the elements recited in the claims. Applicant respectfully disagrees. To accentuate this the claim has been amended to recite the interlocking surface in a means plus function format.

Neither of these references provide for a boot as claimed having a rigid part which includes an interlocking surface means for interlocking with an alpine ski or in-line roller skate.

As to the remaining rejections under 35 U.S.C. 103, they are all directed to dependent claims. Accordingly, and without conceding the merit of such rejections, the arguments regarding claim 1 equally apply to the dependent claims. Since claim 1 is believed to be allowable over the art, the dependent claims too are allowable over the art.

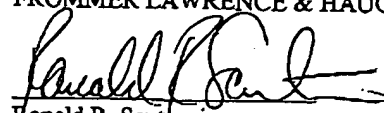
Regarding the double patenting basis for the rejection of the claims, Applicant respectfully defers to address it until such point that the claims under consideration are found allowable over the other rejections.

It is submitted therefore that for the reasons given, the claims as presented are allowable over the prior art references and a determination to that effect is earnestly solicited.

The Commissioner is authorized to charge any additional fees that may be required to Deposit Account No. 50-0320 (Order No. 930024-2001).

Respectfully submitted,
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APPENDIX (claims with markings):

1. (Four Times Amended) ¹ A boot for a ski or in-line roller skate, the boot having [a heel and] a ² sole with a heel portion and a front portion, the sole being connected to a flexible upper, wherein the [boot] sole has a ⁵ first rigid part [in a rear region of the boot] which extends forward from said heel portion over about one half of the length of the sole [and adjacent the heel of a wearer],
² wherein the [rest of the] sole [is] has a flexible portion which extends from the front portion rearward to the first rigid part so as to allow the foot to flex during walking, and
^{6, 7} wherein the first rigid part includes an interlocking surface means which interlocks with a binding of an alpine ski or in-line roller skate thus firmly fixing the [heel portion] first rigid part against flexing with respect to the flexible [sole] portion.
2. (Thrice Amended) The ski boot as claimed in claim 1, wherein the interlocking surface means allows for [is] an automatic release binding to be coupled therewith.
3. (Four Times Amended) The boot as claimed in claim 1, wherein [the] a second rigid part [(4;5)] extends upward from said first rigid part and encloses a heel of the wearer.
5. (Four Times Amended) The boot as claimed in claim 3, wherein the [rigid part (5)] interlocking surface means has at least one cutout [(7, 14)] which engages the alpine ski or skate binding.

8. (Thrice Amended) The boot as claimed in claim 1, wherein the [rigid part (1)] interlocking surface means has a profiled part [(6, 7; 8; 11)] of standard length which engages a ski or skate binding irrespective of the boot size.
9. (Twice Amended) The boot as claimed in claim 1, wherein the first rigid [portion] part comprises at least part of the [binding interfacing portion] interlocking surface.